

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P803308/WO/1	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/005320	International filing date (day/month/year) 18.05.2004	Priority date (day/month/year) 28.05.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant DAIMLERCHRYSLER AG		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>8</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>23</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input checked="" type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report																								
Name and mailing address of the IPEA/EP	Authorized officer																								
Facsimile No.	Telephone No.																								

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages _____ as originally filed/furnished
- pages* 1-17 received by this Authority on 09.08.2005 with telefax
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-23 received by this Authority on 09.08.2005 with telefax
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/4-4/4 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☒ the claims, nos. 24-26
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. II

Priority

1. ☐ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:
- ☐ copy of the earlier application whose priority has been claimed (Rule 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 66.7(b)).

2. ☐ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64.1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Since the features of dependent claims 4 to 16 are not disclosed in the priority document, the priority for **claims 4 to 16** is not valid.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-23	YES
	Claims		NO
Inventive step (IS)	Claims	1-23	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-23	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1	<p>This report makes reference to the following documents:</p> <p>D1= DE-A-840055</p> <p>D2= DE-A-1096227</p> <p>D3= US-A-4965915</p>		
2	Claim 1:		
2.1	<p>D1 is considered to be the prior art closest to the subject matter of claim 1. D1 discloses (the references in parentheses are to D1) a jack bracket for a motor vehicle (figure 12), which jack bracket is fixed to a sill of the motor vehicle (figure 2, reference sign 1) by means of flanges (figure 12) and has an opening (figure 12) for a receiving element (figure 12) to which a jack (figure 12, reference sign 25) can be attached, the bracket being made up of a tubular hollow profile (figure 12, reference sign 2) and a lid (figure 12, reference sign 29) that is fixed on the hollow profile end (2) remote from the sill, covers this end and comprises the opening for the receiving element (figure 12).</p>		

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
2.2	Thus the subject matter of claim 1 differs from that known from D1 in that the hollow profile is a hydroformed part.
2.3	The subject matter of claim 1 is therefore novel (PCT Article 33(2)).
2.4	The problem to be solved by the present invention can therefore be regarded as that of providing a hollow profile which is cost-effective to produce and has the same stability, but weighs less and has higher precision in terms of the outer contours and can therefore also be fixed to complex parts of the motor vehicle.
2.5	<p>The solution to this problem as proposed in claim 1 of the present application involves an inventive step for the following reasons (PCT Article 33(3)):</p> <p>Owing to the use of a hydroformed part, the weight can be significantly reduced, without stability being sacrificed, and the fit accuracy of the part is significantly increased, which makes it possible to use the part also on complex parts of the vehicle. Furthermore, a hydroformed part can be produced in only a few steps and is therefore also cost effective.</p>
2.6	Claims 2 to 16 are dependent on claim 1 and therefore also meet the PCT requirements for novelty and inventive step.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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2.7	Claims 1 to 16 meet the requirements of industrial applicability.
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2.8	The two-part form of independent claim 1 is not correct. In order to correct this defect, the features known from the closest prior art must be included in the preamble of the claim.
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3	Claim 17:
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3.1	D1 is considered to be the prior art closest to the subject matter of claim 17. D1 discloses (the references in parentheses are to D1) a method of producing a jack bracket (figure 2) of a motor vehicle, which jack bracket is fixed to a sill of the motor vehicle (figure 2) by means of flanges (figure 12) and has an opening (figure 12, reference sign 29) for a receiving element (figure 12) to which a jack can be attached (figure 12, reference sign 25), the bracket being made up of a tubular hollow profile (figure 12, reference sign 2) and a lid (29) that covers one end of the hollow profile (2), an opening (figure 12) being provided in said lid.
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3.2	Thus the subject matter of claim 17 differs from that known from D1 in that the hollow profile is made from a tubular blank that is bulged out by means of a hydroforming process, wherein at least two axially spaced bulged sections are formed from the blank by means of hydroforming, these sections then being separated into separate hollow profiles by means of a separating process.
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- 3.3 The subject matter of claim 17 is therefore novel (PCT Article 33(2)).
- 3.4 Thus the problem to be solved by the present invention can be regarded as that of providing a method of producing a jack bracket with which the hollow profile can be produced in a cost-effective manner and which, at the same time, is characterized by a high precision of the outer contours of the hollow profile, without sacrificing stability, so that the hollow profile produced by means of this method can also be fixed to complex parts of the motor vehicle.
- 3.5 The solution to this problem as proposed in claim 17 of the present application involves an inventive step for the following reasons (PCT Article 33(3)): Owing to the use of a hydroforming process, the stability of a blank with the same weight and fit accuracy is significantly increased, in particular, owing to two axially spaced, bulged sections, which are then separated into separate hollow profiles by means of a separating process. This solution results in a method of producing a jack bracket which can be carried out particularly economically in only a few steps, which further lowers production costs.
- 3.6 Claims 18 to 23 are dependent on claim 17 and therefore also meet the PCT requirements for novelty and inventive step.

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

- 3.7 Claims 17 to 23 meet the requirement of industrially applicable.
- 3.8 The two-part form of independent claim 17 is not correct. In order to correct this defect, the features known from the closest prior art must be included in the preamble of the claim.